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COMMUNICATION TO THE TRADE AND DEVELOPMENT BOARD AT ITS THIRTY-NINTH SESSION, FIRST PART

Note by the secretariat

The attached communication is being circulated to members of the Trade and Development Board at the request of the Permanent Mission of Yugoslavia to the United Nations Office and Other International Organizations in Geneva.

GE.92-52453

POSITION OF YUGOSLAVIA IN REGARDS TO THE INTERPRETATION OF THE RESOLUTION OF THE UNITED NATIONS APPLIED TO THE 39TH SESSION OF THE UNCTAD TRADE AND DEVELOPMENT BOARD

(Geneva, 28 September to 14 October 1992)

Yugoslavia regrets the adoption of the United Nations General Assembly Resolution of 22 September 1992 which she considers is contrary among other to the principle of universality and the spirit of cooperation that are the very basis of the United Nations system. In our view the Resolution is legally unfounded, arbitrary and inspired by political considerations based on imbalanced and many unobjective assessments. As such it represents a dangerous precedent in the UN practice.

The denial of the Federal Republic of Yugoslavia to continuity of the legal personality of the SFR of Yugoslavia, including membership to international organizations, represents a violation of the established practice and principles adopted by the General Assembly, under which a state does not stop being a member simply because its borders and constitution have been changed. At no point in time did Yugoslavia cease to exist. Thus, the Resolution actually denies the sovereign right of peoples to preserve their own state and their international and legal existence in the case of secession of a part or parts of their country. Consequently, the Federal Republic of Yugoslavia in no way tried to obstruct the admission to the United Nations and

other International Organizations of the former Yugoslav republics.

The application of the Resolution risks to adversely affect the efforts to restore peace and economic, transport and other necessary links between the FR of Yugoslavia and the former Yugoslav republics. It should also be borne in mind that the precedent made by this Resolution in the decision-making process within the United Nations - that is the violation of legal norms and established practice - may also threaten in the future many other countries and the UN system itself.

As to the participation of Yugoslavia in the UNCTAD and at the 39th session of the Trade and Development Board, Yugoslavia recalls that the General Assembly Resolution adopted on 22 September 1992 affects only participation in the General Assembly and in no way should it have repercussions on participation in other bodies within the UN system.

We hope that a clear and proper interpretation of the General Assembly Resolution as well as its reconsideration before the end of the 47th session will enable Yugoslavia to continue to constructively contribute to the work of international organizations within the UN system.